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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RANDALL MCKINNEY,

Defendant.

CASE NO. 1:21-MJ-000114-BAM

STIPULATION AND PROTECTIVE ORDER
BETWEEN THE UNITED STATES AND
DEFENDANT RANDALL MCKINNEY

COURT: Hon. Barbara A. McAuliffe

WHEREAS, the discovery in this case is voluminous and contains a large amount of personal and confidential information including but not limited to dates of birth, driver's license numbers, telephone numbers, residential addresses, and social security numbers of victims of the charged scheme ("Protected Information"); and

WHEREAS, the parties desire to avoid both the necessity of large scale redactions and the unauthorized disclosure or dissemination of this information to anyone not a party to the court proceedings in this matter;

The parties agree that entry of a stipulated protective order is appropriate.

THEREFORE, Defendant Randall McKinney, by and through his counsel of record ("Defense Counsel"), and the United States of America, by and through Assistant United States Attorney Alexandre Dempsey, hereby agree and stipulate as follows:

1 1. This Court may enter a protective order pursuant to Rule 16(d) of the Federal Rules of
2 Criminal Procedure, and its general supervisory authority.

3 2. This Order pertains to all discovery provided to or made available to Defense Counsel as
4 part of discovery in this case (hereafter, collectively known as “the discovery”).

5 3. By signing this Stipulation and Protective Order, Defense Counsel agrees not to share any
6 documents that contain Protected Information with anyone other than Defense Counsel attorneys,
7 designated defense investigators, independent contractors, and support staff. Defense Counsel may
8 permit the Defendant to view unredacted documents in the presence of his attorney, defense
9 investigators, and support staff. The parties agree that Defense Counsel, defense investigators, and
10 support staff shall not allow the Defendant to copy Protected Information contained in the discovery.
11 The parties agree that Defense Counsel, defense investigators, and support staff may provide the
12 Defendant with copies of documents from which Protected Information has been redacted.

13 4. The discovery and information therein may be used only in connection with the litigation
14 of this case and for no other purpose. The discovery is now and will forever remain the property of the
15 United States of America (“Government”). Defense counsel will return the discovery to the
16 Government at the conclusion of the case after the exhaustion of all direct and collateral appeals or
17 confirm that all materials have been completely destroyed by Defense Counsel.

18 5. Defense Counsel will store the discovery in a secure place and will use reasonable care to
19 ensure that it is not disclosed to third persons in violation of this agreement.

20 6. Defense Counsel shall be responsible for advising the Defendant, employees, and other
21 members of the defense team, and defense witnesses of the contents of this Stipulation and Order.

22 7. In the event that Defendant substitutes counsel, undersigned Defense Counsel agrees to
23 withhold discovery from new counsel unless and until substituted counsel agrees also to be bound by
24 this Order.

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1 IT IS SO STIPULATED.

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3 Dated: November 24, 2021

PHILLIP A. TALBERT
Acting United States Attorney

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5 By: /s/ALEXANDRE DEMPSEY
ALEXANDRE DEMPSEY
6 Assistant United States Attorney

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8 Dated: November 24, 2021

By: /s/Manuel Perez
MANUEL PEREZ
Attorney for Defendant
9 RANDALL MCKINNEY

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11 IT IS SO ORDERED.

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13 Dated: November 29, 2021

/s/ Barbara A. McAuliffe
14 UNITED STATES MAGISTRATE JUDGE